

The Salisbury Planning Board held its regular meeting on Tuesday, April 9, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Lou Manning, Elaine Stiller, Fred Dula, Sean Reid, Rodney Queen, Eldridge Williams, Sandy Reitz, Jerry Wilkes, Brian Miller, Ken Mowery, Jeff Smith

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Dula. The minutes of March 12 and March 26, 2002, were approved as published.

NEW MEMBERS

Mrs. Sandy Reitz and Reverend Jerry Wilkes were welcomed as new members of the Salisbury Planning Board. Their term of office will expire March 31, 2005.

ZONING MAP AMENDMENTS

Z-4-02 Ronald Woodruff, Sr., 524 and 530 East Cemetery Street

Location: 524 and 530 East Cemetery Street

Size: Approximately 19,000 square feet

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: R-6A Multi-Family Residential

(a) Chairman Dula convened a courtesy hearing on Z-4-02.

Those speaking in favor of the zoning change request:

Ron Woodruff, 416 South Clay Street (the petitioner) – wants to remove the existing below-standard house and build two duplexes (four apartments) on the property; neighborhood needs improving; parking will be off-street

Those speaking in opposition to the zoning change request:

Rev. William Turner, Tower of Power church – the residents of the Park Avenue neighborhood are trying to create an atmosphere of more people who will have a stake in the community by being homeowners rather than having apartments with renters.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Lou Manning – The Planning Board has a committee working on a study for the Park Avenue area. This committee has met with the Park Avenue Neighborhood Board to consider possible downzoning in the area and provide for more single family dwellings rather than rental units. The existing rental units are causing most of the neighborhood problems. This proposed

rezoning is in the middle of the study area and is completely surrounded by single family housing. This rezoning could add to the already existing problems in the neighborhood.

Rodney Queen – Feels the existing R-6 is appropriate for the area and moved that the Board recommend denying the request. The motion was seconded by Mr. Manning with all members voting AYE.

Z-5S-02 Carillon Assisted Living, 1915 Mooresville Road

Location: 1915 Mooresville Road

Size: Approximately 8 ½ acres

Existing Zoning: B-1-S Special Office Institutional with a GD-A General Development-A Overlay District with the following uses and conditions:

Uses: Rest homes (including assisted living facilities)...plus all other permitted uses in the R-8 Single Family Residential district

Conditions: 1. Minimum setback requirements: (a) Front yard – 60 ft. as measured from projected N.C. 150, (b) Side yards – 40 feet each, (c) Rear yard – 50 feet

2. Maximum height requirement: 35 ft. with an exclusion of use of Section 12.12 Exceptions to Height Limitation referenced as footnote (s) in the Table of Requirements

3. No parking spaces, lots, or areas (except for access into the property) within 40 feet of the front property line as in (1)(a) above

4. One access from N.C. 150 into the property

5. Screening and separation requirements to be met with landscaping only; no fences or walls within this required landscaping area

6. Lighting – all lighting is to be directed toward the property

7. All other requirements of B-1 district

Proposed Zoning: B-1-S Special Office Institutional with a GD-A General Development-A Overlay District with the same above-listed uses and conditions with one exception: change minimum setback requirements for side yards from 40 feet each to 20 feet each

(a) Chairman Dula convened a courtesy hearing on Z-5S-02.

Those speaking in favor of the zoning change request:

Mr. Ken Kirkham, representing Carillon Assisted Living – wants to expand existing building as there is a continuing need for their type of assisted living services in the community

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Ken Mowery – In light of no opposition to the rezoning and the continued need for these services, he moved to recommend approval. The motion was seconded by Lou Manning with all members voting AYE.

GROUP DEVELOPMENTS

G-3-02 Rowan Regional Ambulatory Surgery Center, 522 Corporate Circle
Ken Mowery was excused from the Board during discussion of this matter.

An application has been submitted for the construction of a 19,464-square foot medical office building at 522 Corporate Circle. The Technical Review Committee recommends approval of the application as submitted. On a motion by Sean Reid, seconded by Rodney Queen, with all members voting AYE, the site plan was favorably recommended to City Council for their consideration.

G-8-02 Cambridge Court III, 236 Pearl Street

An application has been submitted by Dean Gibson for the construction of five apartment buildings containing 19 units at 236 Pearl Street. An existing house will remain as the resident supervisor's home and office. The Technical Review Committee recommends approval of the application as submitted.

Dean Gibson, the petitioner, stated he owns the existing Cambridge Court and Cambridge Court II apartments on Pearl Street. He keeps his apartments well-maintained, and there has been no trouble.

June Goodman, owns adjoining property – Pearl Street is only 17 feet wide. There is a bad intersection at the end of Pearl Street and Morlan Park Road. Nineteen apartments means approximately 40 more automobiles in the neighborhood. He owns three single-family homes next to the area proposed for the apartments and requested a buffer zone between the proposed units and the private homes. People can't walk along the road since there is no room, so they run across everyone's yards.

Board Discussion

Rodney Queen – Moved to send this matter to a committee. The motion was seconded by Brian Miller. Four members voted AYE and six voted NAY. The motion was denied.

Jeff Smith moved to recommend approval of the site plan. The motion was seconded by Jerry Wilkes with Jeff Smith, Jerry Wilkes, Lou Manning, Fred Dula, Sandy Reitz and Elaine Stiller voting AYE and Sean Reid, Rodney Queen, Eldridge Williams, Ken Mowery, and Brian Miller voting NAY. The motion carried.

SPECIAL USE PERMIT

Ms. Blanche Elam, 722 Brookmont Avenue, has submitted a request for a special use permit to operate a child daycare in her home. The zoning ordinance allows up to eight children in a daycare home. All zoning criteria have been met, and staff recommends approval of the permit.

Ms. Elam wishes to keep five full-time pre-school children and up to three after-school children. Neither traffic nor noise should not be a problem. There is a new development up the street which is going to generate traffic. She has checked with a realtor who says a daycare will

not decrease property values in the neighborhood. There is already a business in the area (a group home).

Ann Kemp, 718 Brookmont Avenue, spoke in opposition to the daycare. The neighborhood is very quiet and consists of single family homes with a lot of retired people. The daycare is incompatible with the neighborhood. According to neighborhood covenants, no business is allowed in the neighborhood. She presented a petition signed by 59 people who opposed the daycare center.

Two people stood in favor of the proposed daycare center and approximately 20 people stood in opposition.

Board Discussion

Ken Mowery – Commented that the Zoning Ordinance states, in part, that a special use permit for child daycares shall include, among other things, the general acceptance in the neighborhood. As the Board has seen, the neighborhood is not in general acceptance with the proposed daycare.

Sean Reid – Due to economic changes, there's going to be more home-based businesses. There will be no parking on the street. Can't see any detriment to the proposal. Only talking about five children.

Brian Miller moved to recommend denying the special use permit. The motion was seconded by Lou Manning with all members voting AYE except Sean Reid and Eldridge Williams who voted NAY. The motion passed.

COMMITTEE REPORTS

(a) Wilson Road Small Area Study – Rodney Queen reported for the committee. The committee took a field trip that covered many of the streets in the study area. The overall land use in the area is predominantly single family, although there are some duplexes and two or three apartments. There appears to be no intrusion of office, commercial or industrial uses. Neighbors had expressed strong concern at several meetings about rental housing and more apartments in the neighborhood. The Community Development Corporation (CDC) recently purchased the Whitley property where Mr. Whitley had proposed to build a seven-unit apartment. The CDC would like to build three houses on what had been three separate 50-foot lots. In order for this to happen, the City will need to rezone the property from R-6A Multi-Family Residential to SFC Single Family Conservation which allows 50-foot wide lots. However, the Subdivision Ordinance doesn't allow subdividing lots less than 60 feet. If the property is rezoned to SFC, the CDC will seek a subdivision variance from City Council that would allow a 10-foot variance. The committee decided to divide its work into two phases, with Phase I dealing with the former Whitley property. In Phase II, the committee will look at the zoning suitability, streetscape and other relevant matters of the area which is basically located between Salisbury High School and Livingstone College.

Mr. Queen moved to set a Courtesy Hearing date of May 14 to consider rezoning the three lots on Wilson Road between Locke Street and Old Plank Road from R-6A Multi-Family

Residential to SFC Single Family Conservation. The motion was seconded by Jeff Smith with all members voting AYE.

(b) Harold Poole gave a status report on the latest committee meeting. Two thoroughfare changes were discussed. First, a road segment to connect Harrison Road with Enon Church Road at U. S. 70 would serve a dual purpose: it would allow Food Lion trucks to go from their base on Executive Drive west along U. S. 70 without having to travel miles out of their way. The committee feels the proposal is a good one and has asked staff to come up with a tentative route for the new connector. Second, the county has initiated a thoroughfare change which involves the Airport Road loop from the interstate, around the airport, to intersect with Jake Alexander Boulevard at Brenner Avenue. Staff has not been able to learn more about the county's plans and will attempt to contact county staff for more information.

More staff work will need to be done concerning the "connectivity" issue which encourages the connection of adjacent commercial parking lots and would be in support of Vision 2020 Policy C-10. City Engineer Dan Mikkelson took this matter to City Council who then referred it to Planning Board for further study. Of immediate concern is the connection between Salisbury Mall and what used to be known as Mid-Carolina Mall where Office Land and other businesses are located. Staff prefers this kind of connectivity in that cars are able to move from one shopping area to another without interfering with traffic along U. S. 70. Some questions have come up as to whether we're talking connectivity of commercial-to-commercial or could it be commercial-to-office or even multi-family residential connectivity to commercial development. The committee felt that staff still has a good deal of work to do on the connectivity issue which may necessitate changes in the Zoning Ordinance.

STAFF REPORT

City Council recently referred to Planning Board an inquiry from Downtown Salisbury, Inc., into future rezonings of fringe downtown areas from B-6 General Business and M-1 Light Industrial to B-5 Central Business and/or B-1 Office Institutional. Patrick Kennerly distributed copies of a map showing properties/uses that would remain conforming if rezoned, properties/uses that would be nonconforming if rezoned, and properties/uses that need further study. Most of the properties/uses would remain conforming if Downtown Salisbury would apply for the properties to be rezoned to B-5. Also distributed was a list of the approximately 115 properties which identifies the land use for each of the properties. This is a preliminary study for DSI to use in preparing for any zoning changes they wish to apply for. On a motion by Ken Mowery, seconded by Eldridge Williams, with all members voting AYE, the Board directed staff to send the report to City Council.

There being no further business to come before the Board, the meeting was adjourned.

Secretary

Chairman